

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of RALPH CARL LEE MARTIN
and PATRICK JON DAVID MARTIN, Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

AUDREY E. JOHNSON,

Respondent-Appellant,

and

DONALD J. MARTIN, JR.,

Respondent.

In the Matter of RALPH CARL LEE MARTIN
and PATRICK JON DAVID MARTIN, Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

DONALD J. MARTIN, JR.,

Respondent-Appellant,

and

AUDREY E. JOHNSON,

Respondent.

UNPUBLISHED

March 18, 2008

No. 279917

St. Clair Circuit Court

Family Division

LC No. 05-000342-NA

No. 279918

St. Clair Circuit Court

Family Division

LC No. 05-000342-NA

Before: Servitto, P.J., and Hoekstra and Markey, JJ.

PER CURIAM.

In these consolidated appeals, respondents appeal by right from the trial court's order terminating their parental rights to the minor children under MCL 712A.19b(3)(g) and (j). We affirm.

The trial court did not clearly err in finding that a preponderance of the evidence supported its assumption of jurisdiction over the minor children under MCL 712A.2(b)(1) and (2). MCR 3.972(C)(1). The children's temporary wardship was requested one month after the trial court dismissed the children from its jurisdiction in a prior 20-month child protective proceeding. A preponderance of the evidence showed that respondents had again, as in the prior proceeding, allowed the children's home to become environmentally unfit. Respondents' argument that the family was not residing at the unfit home at the time of inspection and removal lacked merit because respondents' subsequent move did not alter the fact that they had allowed the home to deteriorate to that condition while living there with the children.

The trial court did not clearly err in finding that the statutory grounds for termination of respondents' parental rights were established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). A child protective proceeding is a continuous proceeding, and the trial court is expected to consider all facts and circumstances surrounding the case, including evidence adduced at prior hearings. *In re LaFlure*, 48 Mich App 377, 390-391; 210 NW2d 482 (1973). The evidence showed that respondents temporarily benefited from the extensive services they were provided during their prior child protective proceeding. With the assistance of the agency and the in-home services they received, respondent's were reunited with their children and the trial court dismissed their wardship. However, the fact that their home immediately deteriorated to its prior condition once supervision and assistance ceased clearly showed that respondents were either not intrinsically motivated to, or were unable to, independently maintain an environmentally fit home. Clear and convincing evidence showed that respondents had again failed to provide proper care for the children. Moreover, their lack of long-term benefit despite 18 months of services showed there was no reasonable expectation that they would be able to provide proper care within a reasonable time, and that the children were likely to be harmed in their care.

Further, the evidence did not show that termination of respondents' parental rights was clearly contrary to the children's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). The underlying causes for respondents' inability or unwillingness to maintain a fit home were complex, and the problem of their dirty home could not be resolved by providing cleaning assistance and further instruction. Respondents maintained a minimally fit home for a very short time after receiving 18 months of assistance, and there was no evidence that additional services would result in long-term benefit. During the prior proceeding, the children had resided in foster care for 16 months, returned to respondents' care for four and a half months, and spent another three and a half months back in foster care

before termination of respondents' parental rights. Although the children may have been bonded with respondents, additional effort toward reunification was not in the children's best interests given lack of likely long-term benefit.

We affirm.

/s/ Deborah A. Servitto

/s/ Joel P. Hoekstra

/s/ Jane E. Markey